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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/546,264	04/10/2000	William J. Beyda	OOP7571US	3052
759	90 08/29/2003			
Siemens Corporation Intellectual Property Department 186 Wood Avenue South			EXAMINER	
			BLOUNT, STEVEN	
Iselin, NJ 0883			ART UNIT	PAPER NUMBER
			2661	
•			DATE MAILED: 08/29/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Steven Blount Stev				
Examiner Steven Blount 2681 26	•	Application No.	plicant(s)	
Steven Blount 2661	Office Action Commence	09/546,264	BEYDA ET AL.	
- The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MALIND DATE OF THIS COMMUNICATION. Estations of inemap be available under the provisions of 3 CPR 1.136(s). In no event, however, may a reply be timely filed If the period for reply specified above is least than thirty (20) days, a reply within the station reply to be directly in the period for reply specified above is least than thirty (20) days, a reply within the station reply specified above is least than thirty (20) days, a reply within the station reply is specified above. The material stations provided alloyed well separs St. (MONTHS from the mising date of this communication. Fallule is reply within the set or extracted particle for reply with provided and stations are supplication to become ABANDONED (30 U.S.C. § 133). Responsive to communication(s) filed on 10 April 2000. 20	⊌πice Action Summary	Examiner	Art Unit	
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION. Extension of time may be available shade if the provisions of 37 CFR 1.136(a). In an event, however, may a reply be timely filed Extension of time may be available shade if the provisions of 37 CFR 1.136(a). In an event, however, may a reply be timely filed Extension of time may be available shade if the provisions of 37 CFR 1.136(a). In an event, however, may a reply be timely filed Extension of time may be available shade in the provision of 37 CFR 1.136(a). In an event, however, may a reply be timely filed If NO provide for reply is apposited abover, the maximum statutory prefix vill apply end will expire shade. In the statutory minimum of thinty (30) days will be considered timely. If NO provide for reply shade shade will be available to the statutory minimum of thinty (30) days will be considered timely. If NO provide for reply shade shade will be the maximum statutory series vill apply within the statutory minimum of thinty (30) days will be considered timely. If NO provide for reply is apposited shows, the maximum statutory series vill apply within the statutory minimum of thinty (30) days will be considered timely. If NO provide for reply shade shade is a statutory will be considered timely. If NO provide for reply shade shade is a statutory will apply within the statutory minimum of thinty (30) days will be considered timely. If It is a statutory (30) days will be considered timely. If It is a statutory (30) days will be considered timely. Application is provided the maximum statutory statutory will applicate the statutory of the statutory of the provide of the provide of the scanning of the providered timely. Application is a provider reply application is application of reply and the scanning of the providered timely. Application Papers 9 The description of reply statutory of election is objected to by the Examiner. If approved, corrected drawings are required in reply to				
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2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-33 is/are pending in the application. 4a) Of the above claim(s)	THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period was Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	86(a). In no event, however, ma within the statutory minimum of vill apply and will expire SIX (6) cause the application to becom	ly a reply be timely filed f thirty (30) days will be considered timely. MONTHS from the mailing date of this comm the ABANDONED (35 U.S.C. § 133).	nunication.
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	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice	e of Informal Patent Application (PTO-1	

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Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claims 1-9, 11-20, 22-31, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Applicants Admitted Prior Art (hereinafter referred to as AAPA) in view of U.S. patent 6,587,457 to Mikkonen.

With regard to claim 1, AAPA teaches, in figure 1B, a telecommunications system comprising an Ethernet Ian with an IP voice communication stack, a QoS Ethernet layer 115, and also admits the problem in the art associated with having to modify application programs "in addition to standard H.323 commands in order to invoke the required QoS". AAPA does not, however, teach a solution to this problem to comprise intercepting commands from the IP voice communication stack, identifying from the commands a QoS required for the calls, and generating corresponding QoS commands to the QoS Ethernet layer.

Mikkonen teaches a communications system wherein IP flows are intercepted and examined (col 7 – col 8) and identifying from them a QoS requirement that is used to form the connection: "After finding a record matching best to the examined IP flow, the quality of service determinations of this data record are used for the radio flow that is formed" (col 8, lines 20+). It is also noted that Mikkonen, like in applicants invention, teaches associating the information from the data flows with QoS values in a database,

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as described on page 8, lines 10+. Further, the Ethernet environment is taught in col 9, line 18.

It would have been obvious, to one of ordinary skill in the art at the time of the invention, to have solved the problems in AAPA associated with having to modify the application programs to make them operable with the QoS Ethernet layer by, instead, using the alternative process of intercepting and examining the commands from the IP voice communication stack and associating them with a QoS before sending them to the QoS Ethernet layer (it is noted that AAPA teaches sending information to the QoS Ethernet layer) in light of the teachings of Mikkonen, in order to provide a more efficient manner for providing the required QoS at call setup.

With regard to the following claims (hereinafter, CI), note the following, in addition to the fact that the QoS of the IP flow is defined in accordance with the signaling being taught in col 8, lines 48+ of Mikkonen:

CI 2 - 3: H.323 is taught in page 1, lines 23+ of AAPA; CI 4: H.225 is taught in figure 1 of AAPA, and bearer capability is an obvious type of data flow factor (see col 8, lines 15+ of Mikkonen); CI 5: call signaling and setup is mentioned in page 1 lines 25+ of AAPA; CI 6: conferencing is mentioned on page 1 line 30 of AAPA; CI 7: H.245 is mentioned on page 1, lines 26+ of AAPA; CI 8: note the use of H.245 in figure 1 of AAPA with respect to terminal capabilities; CI 9: RAS is mentioned on page 1, lines 28+; CI 11: see the use of bandwidth in col 8, line 65 of Mikkonen. With regard to claims 12 – 20 and 22, the limitations for a single device are all present with respect to a plurality of the devices which form a system as described above; With regard to claims 23 – 31 and

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33, all of the limitations with respect to these method claims are also present in the

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system claims as described above.

3. Claims 10, 21, and 32 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Applicants Admitted Prior Art (AAPA) in view of U.S. patent

6,587,457 to Mikkonen as applied above, and further in view of U.S. patent 6,363,065 to

Thornton et al.

AAPA/Mikkonen teaches the invention as described above. Further, taking into

consideration bandwidth when assigning QoS is taught in Col 8, line 65 of Mikkonen.

AAPA/Mikkonen do not, however, teach the invention operating in a network

environment using a gatekeeper, wherein the intercepted commands comprise ARQ

commands. Thornton et al teaches the use of a gatekeeper in an H.323 environment in

which ARQ commands are used. Thornton et al also teach the gatekeeper determining

if there is sufficient bandwidth to make a call. See col 43 line 3. It would have been

obvious to one of ordinary skill in the art at the time of the invention to have applied the

invention of AAPA/Mikkonen in a network environment in which a gatekeeper and its

associated gateway are used, in light of the teachings of Thronton et al, in order to set

the proper QoS parameter for the bandwidth for the communication which is carried

over the network.

4. Steven Blount may be reached at the Patent Office between the hours of 9:00

and 5:30, Monday through Friday, at 703-305-039.

DOUGLAS OLMS

Douglas W. Chins

SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 2600